

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Elections and Civic Affairs, to which was referred House Bill No. 1151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
5 PASSAGE]: **Sec. 26.4. "Household" has the meaning set forth in**
6 **the Profiles of General Demographic Characteristics, Census**
7 **2000, United States Census Bureau.**

8 SECTION 2. IC 3-6-6-39, AS AMENDED BY P.L.209-2003,
9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 39. (a) The county election board by
11 unanimous vote of the entire membership of the board may permit an
12 individual who is not a voter to serve as any precinct election officer
13 (other than inspector), or to assist a precinct election officer, if the
14 individual satisfies all the following:

- 15 (1) The individual is at least sixteen (16) years of age but not more
16 than seventeen (17) years of age.
17 (2) The individual is a citizen of the United States.
18 (3) The individual is a resident of the county.
19 (4) The individual has a cumulative grade point average equivalent

to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) ~~After January 1, 2004,~~ An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-8.1-4-1; and

(B) is not subject to the limitations on the time and duration of employment under:

(i) IC 20-8.1-4-20; or

(ii) IC 20-8.1-4-21(b)."

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 4. IC 3-7-33-4.5, AS ADDED BY P.L.209-2003, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. ~~(a) This section applies after December 31, 2003.~~

~~(b)~~ **(a)** Except as provided in subsection ~~(c)~~ **(b)**, this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application

under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26 and 42 U.S.C. 15483 on the date the application is received by the county voter registration office.

~~(c)~~ **(b)** This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and **residence** address of the voter **stated on the voter registration application.**

(2) The individual submits an application to register to vote by mail under this chapter that includes the individual's:

(A) Indiana driver's license number; or

(B) last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

~~(d)~~ **(c)** When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

~~(e)~~ **(d)** As required by 42 U.S.C. 15483, a county voter registration

office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

~~(f)~~ (e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

~~(g)~~ (f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20(c).

~~(h)~~ (g) The county voter registration office shall remove the notation described in subsection ~~(g)~~ (f) after the voter votes in an election for a federal office.

SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.209-2003, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter or before January 1, 2006, IC 3-7-38.1 must be:

(1) uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);

(2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and

(3) completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to

1 be the voter's current residence address.

2 (c) A county voter registration office may use information only
3 from the following sources to make the determination under
4 subsection (b)(2):

5 (1) The United States Postal Service National Change of
6 Address Service.

7 (2) A court regarding jury duty notices.

8 (3) The return of a mailing sent by the county voter
9 registration office to all voters in the county.

10 (4) The bureau of motor vehicles concerning the surrender
11 of a voter's Indiana license for the operation of a motor
12 vehicle to another jurisdiction.

13 (d) The notice described in subsection (b) must:

14 (1) be sent by first class United States mail, postage prepaid,
15 by a method that requires the notice to be forwarded to the
16 voter; and

17 (2) include a postage prepaid return card that:

18 (A) is addressed to the county voter registration office;

19 (B) states a date by which the card must be returned or
20 the voter's registration will become inactive until the
21 information is provided to the county voter registration
22 office; and

23 (C) permits the voter to provide the voter's current
24 residence address.

25 (e) If a voter returns the card described in subsection (d)(2)
26 and provides a current residence address that establishes that the
27 voter resides:

28 (1) in the county, the county voter registration office shall
29 update the voter's registration record; or

30 (2) outside the county, the county voter registration office
31 shall cancel the voter's registration.

32 (f) If a voter does not return the card described in subsection
33 (d)(2) by the date specified in subsection (d)(2)(B), the county
34 voter registration office shall indicate in the voter's registration
35 record that the voter's registration is inactive.

(g) A voter's registration that becomes inactive under subsection (f) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(h) After the date described in subsection (g)(2), the county voter registration office shall remove the voter's registration from the voter registration records."

Page 9, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 13. IC 3-11-8-3, AS AMENDED BY P.L.116-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

(b) If an accessible facility is not available within the precinct, then the polls may be located ~~in a public building~~ in an adjoining precinct if the ~~public building is~~ **polls are:**

(1) either:

(A) not more than one (1) mile from the closest boundary of the precinct for which it is the polls; or

(B) located in the same township as the precinct that does not have an accessible facility available; and

(2) an accessible facility.

(c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.

(d) If the county election board, by a unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection (b) or (c); and

(2) the most convenient accessible facility is located in a adjoining county;

1 **the board may locate the polls in that facility with the unanimous**
 2 **consent of the entire membership of the county election board of**
 3 **the county in which the facility is located.**

4 SECTION 14. IC 3-11-8-7, AS AMENDED BY P.L.69-2003,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 7. In preparing the polls for an election, the
 7 county executive shall:

8 (1) have placed within the room a railing separating the part of the
 9 room to be occupied by the precinct election board from that part
 10 of the room to be occupied by the voting machines, ballot card
 11 voting systems, electronic voting systems, and the three (3) or
 12 more booths or compartments for marking paper ballots,
 13 whenever either or two (2) of these voting systems are used;

14 (2) ensure that the portion of the room set apart for the precinct
 15 election board includes a door at which each voter appears for
 16 challenge; and

17 (3) provide a **method or material for designating the**
 18 **boundaries of the chute, such as** with a railing, rope, or wire on
 19 each side, beginning a distance equal to the length of the chute (as
 20 defined in IC 3-5-2-10) away from and leading to the door for
 21 challenge and to the room in which the election is held."

22 Page 9, line 11, reset in roman "who satisfies any of the following".

23 Page 9, reset in roman lines 12 through 31.

24 Page 9, between lines 31 and 32, begin a new line block indented and
 25 insert:

26 **"(9) The voter is an address confidentiality program**
 27 **participant (as defined in IC 5-26.5-1-6)."**

28 Page 11, between lines 36 and 37, begin a new paragraph and insert:

29 "SECTION 17. IC 3-11-11-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) On the
 31 morning of election day, the precinct election officers shall meet at the
 32 polls at least one (1) hour before the time for opening the polls. The
 33 inspector then shall have:

34 (1) the **boundaries of the chute erected designated;**

35 (2) the sample ballots and instruction cards posted; and

36 (3) everything put in readiness for the commencement of voting
 37 at the opening of the polls.

(b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:

- (1) securely lock the box;
- (2) give one (1) key to the judge of the opposite political party;
- and
- (3) retain one (1) key.

(c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

SECTION 18. IC 3-11-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. On the morning of election day, each precinct election board, the poll clerks, and the election sheriffs shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the **boundaries of the chute erected designated;**
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

SECTION 19. IC 3-11-13-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the **boundaries of the chute ~~erected~~ designated;**
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement. The officers then shall certify that the marking device and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

SECTION 20. IC 3-11-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the **boundaries of the chute ~~erected~~ designated;**
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls."

Page 12, delete lines 2 through 28.

Page 15, between lines 33 and 34, begin a new line block indented and insert:

"(12) Except as authorized in this title:

(A) delivers an absentee ballot security envelope to a voter;

(B) requests or directs the voter to sign the absentee ballot security envelope; and

(C) receives from a voter the signed absentee ballot security envelope."

Page 17, line 22, after "day" insert ":".

Page 17, line 22, strike "within".

Page 17, line 23, after "(A)" insert "**within**".

Page 17, line 23, strike "or".

Page 17, line 24, reset in roman "(B)".

Page 17, line 24, after "(B)" insert "**within**".

Page 17, line 24, reset in roman "fifty (50) feet".

1 Page 17, line 24, after "of" insert **"in any direction from"**.

2 Page 17, line 24, reset in roman "the entrance to the polls;"

3 Page 17, line 25, delete "(B)" and insert "(C)".

4 Page 17, line 25, after "(C)" insert **"within"**.

5 Page 17, line 25, after "chute;" insert **"or**

6 **(D) inside the boundaries of the chute designated under**
7 **IC 3-11."**

8 Page 22, between lines 15 and 16, begin a new paragraph and insert:

9 "SECTION 43. [EFFECTIVE UPON PASSAGE] **(a) The**
10 **definitions in IC 3-5-2 and 3-11-8-1.2 apply throughout this**
11 **SECTION.**

12 **(b) Notwithstanding IC 3-11-8-15, an individual who is issued**
13 **credentials by a county election board is permitted in the polls of**
14 **that county during an election to conduct a survey to determine**
15 **whether the polling place is an accessible facility.**

16 **(c) Upon a precinct election officer's request, an individual**
17 **described in subsection (b) shall present to the officer the**
18 **individual's credentials issued by the county election board.**

19 **(d) This SECTION expires December 1, 2004."**

20 Page 22, between lines 24 and 25, begin a new paragraph and insert:

21 "SECTION 45. [EFFECTIVE JANUARY 1, 2004
22 (RETROACTIVE)] **(a) This SECTION applies to an individual:**

23 **(1) who was elected during November 2003 to an office of a**
24 **political subdivision; and**

25 **(2) to whom IC 5-4-1-1.2 applies.**

26 **(b) Notwithstanding the time limits under IC 5-4-1-1.2(c), an**
27 **individual's deposit before March 1, 2004, of the oath required by**
28 **IC 5-4-1-1 with the office listed in IC 5-4-1-4 is legalized, and**

- 1 **IC 5-4-1-1.2(d) does not apply.**
- 2 **(c) This SECTION expires July 1, 2004."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1151 as reprinted February 5, 2004.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Hershman

Chairperson